

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 04-00388 WHA

Plaintiff,

v.

**SECOND ORDER RE
DEFENDANT'S APPLICATION
OF PRE-SENTENCE TIME
CREDIT**

MARCUS LEE JULES,

Defendant.

The Court received defendant's "application of pre-sentence time credit." In the application, defendant recalled that the Court "specifically stated for the record that [he] was to receive time credit from '01/04/2005 until [his] date of sentencing which was 10/18/2005'" (Dkt. No. 57). The Court then requested the government and probation office to respond. The probation office stated that the probation officer who attended the sentencing hearing had no recollection, nor was there a recorded note, that the Court ordered the federal sentence to be concurrent with the state parole sentence. The government provided the official transcript of defendant's sentencing hearing on October 15, 2008 (Dkt. No. 59). Nothing in the record supports the statements asserted in defendant's application. Defendant's request that he receive time credit from January 4, 2005, until his date of sentencing on October 18, 2005, is **DENIED**.

IT IS SO ORDERED.

Dated: April 21, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE